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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,732	08/13/2001	Yannick Burianne	09669/003001	9848
22511	7590	04/04/2006	EXAMINER	
OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/857,732

Applicant(s)

BURIANNE, YANNICK

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-10 are presented for the examination.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Admitted Prior Art (APA) in view of Carney et al (US. Patent 5,913,218).

3. As to claim 1, APA teaches the invention substantially as claimed including: portable device (smart card, page 1, ln 10-17), a memory (memory, page 1, ln 14-34), one application program (one application programs, page 1, ln 14-34), one configurable variable (configurable variable, page 1, ln 14-34), a list (files, page 1, ln 14-34), one reference element (data in the files, page 1, ln 14-34), initializing (initialization, page 1, ln 23-33), configured with several parameter (modifying the values of initializing data with in said files, page 1, ln 25-34), initializing transfers the at least one value to the at least one configuration variable( assigning these data to said variables, page 2, ln 30-31).

4. APA does not explicit teach receiving a command that comprises at least one value to be assigned to at least one configurable variable, the at least one mean for initializing establishing a link between the at least one value comprised in the command and the at least one reference element. However, Carney teaches receiving a command that comprises at least one value to be

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assigned to at least one configurable (concatenating the path/filename information parameter call to the drive identifier and path information: "< relative\_path><filename> from the configuration parameter call to the drive identifier and path information "d: <absolute\_path>" from field 34(U) for the network". INI" initialization file 34, thereby to generate a file pointer of the form "d: <absolute\_path><relative\_path><filename>" as the pointer to ... after generating the pointer, the GET\_USER PROFILE function will use it to attempt to access and "INI" initialization file, col 7, ln 62-62), the at least one mean for initializing establishing a link between the at least one value comprised in the command and the at least one reference element (when the application program 31 generates a CONFIG PAR CALL configuration parameter call to the GET\_USER\_PROFILE function 30(A), col 7, ln 45-55/ the GET\_USE\_PROFILE function 30(A) makes use of the Windows "GET\_USER\_FROFILE function 35(A) which provides a parameter value from a file and section identified in the call to the GET\_PRIVATE\_FROFILE FUCTION, col 18, ln 18-15/ ln 12-17).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA and Carney because Carney's receiving a command that establishing a link between the at least one value comprised in the command and the at least one reference element would improve the flexibility of APA's system by providing a system and method for retrieving and updating configuration parameter values of application programs from specific file by ensuring that there is no ambiguities as to location of the particular initialization.

6. As to claim 2, APA teaches configurable variables (configurable variables, page 1, ln 15-22), memory (memory, page 1, ln 15-22).

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7. As to **claim 3**, APA teaches reference element (data, page 1, ln 23-30), a configurable variable (variables, page 1, ln 23-30).
8. As to **claim 7**, APA teaches initialization means (initialization phase, page 1, ln 23-33).
9. As to **claim 10**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above.
10. Claims **4, 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Carney et al (US. Patent 5,913,218), as applied to claim 1 above, and further in view of Parvathaneny et al (US. 5,829,006).
11. As to **claim 4**, APA and Carney do not teach configurable variables that are referred to within the same list and which derive from the same parent class. However, Parvathaneny teaches the same list (the hierarchy table, Fig. 3C/ col 7, ln 40-60), the same parent class (class A/ class C, col 7, ln 8-35/ Fig. 3B).
12. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA and Carney because Parvathaneny's configurable variables that are referred to within the same list and which derive from the same parent class would improve the efficiency of APA and Carney's systems by initializing the attributes of prefetch path objects that are defined by associated prefetch path classes and any supper class and subclasses of the prefetch path class.

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13. **As to claim 5**, Parvathaneny teaches at least two configurable variables (a1, a2, Fig. 3b), the same list (the hierarchy table, Fig. 3C/ col 7, ln 40-60), the same class (class A, col 7, ln 8-35/ Fig. 3B).

14. Claims 6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Carney et al (US. Patent 5,913,218), as applied to claim 1 above, and further in view of Peterson (US. Patent 6,708,181 B1).

15. **As to claim 6**, APA and Carney do not teach one initialization means resides within memory irrespective of the application. However, Peterson teaches (the class initialization methods for all classes which need for the core initialization, col 4, ln 15-20).

16. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA, Carney and Peterson because Peterson's the class initialization methods for all classes which need for the core initialization" would improve the efficiency of APA and Carney's systems by preventing duplicates of the initialization process from being performed within each of the class objects.

17. **As to claim 8**, Peterson teaches initialization means (void class initialization, col 5, ln 5-15), the same language (the object oriented program language, col 3, and ln 11-20).

18. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Carney et al (US. Patent 5,913,218), as applied to claim 1 above, and further in view of Marcelais et al (US. Patent 6,110,227).

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19. **As to claim 9**, APA, Carney do not teach command enable reading. However, Marcelais teaches command enable reading (the variable initializes of all such files are pre-processed while the linker processes the data read from the object and/or library files to create a binary image (col 17, ln 36-42).

20. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA, Carney and Marcelais because Marcelais's command enable reading would increase the efficiency of APA and Carney's systems by eliminating latency caused by processing the initialize upon start-up of the computer program.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is ( 571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).


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LeChi Truong

March 30, 2006



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**SUPERVISORY PATENT EXAMINER**